

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

MANUEL CABANAS

Case No.

21-MJ-645

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached Affidavit in the county of Montgomery in the
Eastern District of Pennsylvania, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. §§ 2252(a)(2), (b)(1)

Receipt of child pornography

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

s/ Joshua Conrad

Complainant's signature

Joshua Conrad, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/06/2021

s/ Mitchell S. Goldberg

*Judge's signature*City and state: Philadelphia, Pennsylvania

Hon. Mitchell S. Goldberg, U.S. District Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joshua Conrad, a Special Agent (“SA”) with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (“HSI”), being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent with HSI, assigned to the Special Agent in Charge in Philadelphia, Pennsylvania, since April 2016. Prior to that, I was assigned to the Special Agent in Charge in El Paso, Texas, since October 2010. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252(a), and 2252A. I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. In March 2019, I attended the ICAC Freenet training, and I have also participated in the execution of several Freenet search warrants, which involved child exploitation and/or child pornography offenses.

2. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging MANUEL CABANAS, date of birth August XX, 1959, with receipt of visual depictions of minors engaging in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a)(2).

3. The statements in this affidavit are based on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of obtaining a criminal complaint, I have not included

each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that MANUEL CABANAS committed violations of Title 18 U.S.C. § 2252(a)(2).

LEGAL AUTHORITY

4. Title 18 U.S.C. § 2252(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, possessing, or accessing with intent to view any visual depiction of minors engaging in sexually explicit conduct, produced using a minor engaged in such conduct, when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce, and any attempts to do so.

FACTS SUPPORTING PROBABLE CAUSE

Background Regarding Freenet

5. The instant investigation involves a user of “Freenet”—an Internet-based, peer-to-peer (P2P) network that allows users to anonymously share files, chat on message boards, and access websites within the network. Law enforcement agents have been investigating child pornography trafficking by Freenet users since at least 2011.

6. In order to access Freenet, a user must first download the Freenet software, which is free and publicly available. Anyone running the Freenet software may join and access the Freenet network. Each computer running Freenet connects directly to other computers running Freenet, which are called its “peers.” When installing Freenet, each user

agrees to provide to the network a portion of the storage space on the user's computer hard drive, so that files uploaded by Freenet users can be distributed and stored across the network. Freenet users can upload files into the Freenet network and download files from the Freenet network. After a user installs Freenet on the user's computer, the software creates a default "download" folder. If a user successfully downloads a particular file from Freenet, Freenet may save the content of that file to the "download" folder. A user may change this default setting and direct the content to be downloaded elsewhere.

7. In order to download a file on Freenet, a user must have the unique key for the file.

8. Freenet can be used to advertise, distribute, and receive images and videos of child pornography. Unlike other file sharing systems, Freenet does not provide a search function for its users whereby users would insert search terms to locate files. Therefore, a user who wishes to locate and download child pornography from Freenet must identify the unique key associated with a particular child pornography file and then use that key to download the file.

Background of the Investigation

9. As part of the ongoing investigation into users sharing child pornography files on Freenet, law enforcement officers obtained and logged information showing that a Freenet user with IP address 98.114.51.119 requested pieces (blocks) of the child pornography files described below from a law enforcement Freenet computer. The number of file pieces requested relative to the total number of file pieces required to assemble the file, and the number of peers the requesting user had indicated that it was more probable than not that the user with IP

address 98.114.51.119 was the original requestor. The number of requests for file pieces by the user with IP address 98.114.51.119 was significantly more than one would expect to see if that user was merely routing the request of another user.

10. On September 3, 2020 between 10:34:25 hours UTC and 17:15:31 hours UTC, a computer running Freenet software, with an IP address of 98.114.51.119, requested from Freenet law enforcement nodes,¹ 21 unique blocks of the file name, “Anica_01_2008.avi.” I downloaded the exact same file using the file’s unique SHA1 digital hash value² from Freenet. I reviewed the downloaded file and it is a video of a nude, prepubescent girl dancing while rubbing her vagina. Based on my training and experience, I believe this video constitutes child pornography under 18 U.S.C. § 2256(8).

11. On September 3, 2020 between 17:20:16 hours UTC and 20:19:16 hours UTC, a computer running Freenet software, with an IP address of 98.114.51.119, requested from Freenet law enforcement nodes, 43 unique blocks of the file name, “pthc Baby anal comp (1) pthc.mp4.” I downloaded the exact same file using the file’s unique SHA1 digital hash value from Freenet. I reviewed the file and it is a video of an adult male anally raping an infant. The infant appears to be unconscious during the entire video. Based on my training and experience, I believe this video constitutes child pornography under 18 U.S.C. § 2256(8).

¹ “Nodes” refer to computers running Freenet.

² A “hash value” is a unique value that is associated with a particular file. It is essentially the “fingerprint” of a digital file. If two files have the same hash value, it means that they are the same file. For each of the files referenced herein that were requested through Freenet, the SHA1 hash value is known to law enforcement but has been omitted from this public filing.

12. On September 3, 2020 between 09:32:25 hours UTC and 17:07:17 hours UTC, a computer running Freenet software with an IP address 98.114.51.119, requested from Freenet law enforcement nodes, 24 unique blocks of the file name, “americangirl6541_DARE 1 shaking my butt with my undies and pants down.flv.” I downloaded the exact same file using the file’s unique SHA1 digital hash value from Freenet. I reviewed the file it is a video of a prepubescent girl who exposes her vagina and anus. Based on my training and experience, I believe this video constitutes child pornography under 18 U.S.C. § 2256(8).

13. On March 7, 2021, between 19:19:27 hours UTC and March 8, 2021 08:30:58 hours UTC, a computer running Freenet software with an IP address 98.114.51.119, requested from Freenet law enforcement nodes, 12.7 unique blocks of the file name, “AIBD.rar.” I downloaded the exact same file using the file’s unique SHA1 digital hash value from Freenet. I reviewed the file and know it to be a series of approximately 150 photographs depicting a prepubescent girl who exposes her vagina and anus. The girl is photographed in many positions to include having her hands and feet bound and bondage clips placed on her vagina. Based on my training and experience, I believe these images constitute child pornography under 18 U.S.C. § 2256(8).

14. On March 9, 2021, between 15:27:41 hours UTC and 15:32:57 hours UTC, a computer running Freenet software with an IP address 98.114.51.119, requested from Freenet law enforcement nodes, 31 unique blocks of the file name, “Painting.rar.” I downloaded the exact same file using the file’s unique SHA1 digital hash value from Freenet. I reviewed the file and know it to be a series of approximately 15 images of a prepubescent girl exposing her

vagina and anus with drawings on her body reflecting what appears to be a fetus on her lower torso and stitches and a penis drawn over her vaginal area. Based on my training and experience, I believe these images constitute child pornography under 18 U.S.C. § 2256(8).

15. On March 16, 2021 between 14:00:13 hours UTC and March 17, 2021 01:24:11 hours UTC, a computer running Freenet software with an IP address 98.114.51.119, requested from Freenet law enforcement nodes, 750 unique blocks of the file name, “Masha Ina Tanya.rar.” I downloaded the exact same file using the file’s unique SHA1 digital hash value from Freenet. I reviewed the file and know it to be a series of approximately 340 images depicting three prepubescent girls in many poses all exposing their vagina and anus. Based on my training and experience, I believe the images that I reviewed constitute child pornography under 18 U.S.C. § 2256(8).

16. The fact that a Freenet user requested pieces associated with a particular file on Freenet indicates that the user specifically attempted to download or downloaded the child pornography file’s contents from Freenet using the unique key that is associated with these files. Based on the number of unique blocks requested by the user with IP address 98.114.51.119 per child pornography file, and the number of requests for separate child pornography files, there was probable cause to believe that this user used Freenet to download, or attempt to download, child pornography files.

17. Using publicly available search tools, law enforcement determined that IP address 98.114.51.119 was controlled by Verizon Internet Service Provider (“ISP”). On or about September 17, 2020 an administrative summons was provided to Verizon for subscriber

information relating to the use of IP address 98.114.51.119 on the dates and times of the criminal activity referenced above, *see supra* ¶¶ 10-15. A review of the results obtained revealed the following account holder and address: Eleanora CABANAS, 256 S Savanna Drive, East Coventry, Pennsylvania 19465.

18. A check in CLEAR, a law enforcement database that compiles public records, also revealed that Eleanora CABANAS and MANUEL CABANAS reside at 256 S Savanna Drive, Pottstown, Pennsylvania 19465. A law enforcement database search revealed that the property located at 256 S Savanna Drive, Pottstown, Pennsylvania 19465 is owned by Manuel CABANAS and Eleanora CABANAS.

19. On March 30, 2021, your affiant applied for and was granted a federal search warrant (Crim. No. 21-MJ-606), authorized by United States Magistrate Judge Carol Sandra Moore Wells, Eastern District of Pennsylvania, for 256 S Savanna Drive, Pottstown, Pennsylvania 19465, to search for and seize evidence of violations of 18 U.S.C. § 2252.

20. On April 6, 2021, the federal search warrant was executed at 256 S Savanna Drive, Pottstown, Pennsylvania 19465. MANUEL CABANAS was present at the time of the search and agreed to speak with the Agents. The Agents advised CABANAS that he was not under arrest and did not have to speak with them. The interview was audio recorded.

21. At the beginning of the interview, your affiant informed CABANAS that the Agents had obtained a warrant to search for evidence of child exploitation offenses. When asked which devices in the home the Agents should focus their attention on, CABANAS directed the Agents to a desktop computer, which he identified as his own. CABANAS stated that he is

the only individual who uses that computer and he provided the Agents with the password to access the device. CABANAS then indicated that he wished to speak to an attorney and the Agents ceased all further questioning.

22. Taped to the tower of the desktop computer to which CABANAS directed the Agents was an external hard drive. A forensic preview of the hard drive was performed and resulted in the recovery of numerous files containing child pornography from a folder with file path name 2\D\frost\Downloads\DSC.³ Among the recovered files were each of the 6 above-referenced files depicting child pornography, which were requested between September 2020 and March 2021 through Freenet software from the IP address associated with CABANAS' residence. *See supra* ¶¶ 10-15. The date that each of these files was downloaded to the hard drive taped to CABANAS' computer matches the date that the files were requested through Freenet:

Filename	Date requested through Freenet/ Date saved to hard drive
Anica_01_2008.avi	September 3, 2020
pthc Baby anal comp (1) pthc.mp4 ⁴	September 3, 2020
americangirl6541_DARE 1 shaking my butt with my undies and pants down.flv	September 3, 2020
AIBD.rar	March 7, 2021
Painting.rar	March 9, 2021
Masha Ina Tanya.rar	March 16, 2021

³ Frost is a Freenet client that allows users to access the Freenet network, upload and download files, and exchange messages with one another.

⁴ The name of the file recovered from the external hard drive is a shortened version of this full filename; however, your affiant viewed the contents of this file and confirmed that it is the same video requested through Freenet on September 3, 2020.

23. In the same “2\D\frost\Downloads\DSC” folder on the external hard drive, the Agents also recovered a series of approximately 42 photo files that appear to be screenshots from a video file. Your affiant has viewed these files and confirmed that they constitute child pornography under 18 U.S.C. § 2256(8). These files depict two nude prepubescent females performing oral sex on an adult male. In one of the photos, the two minor children are kissing each other and in another, one of the children is seen masturbating on top of a toilet. These files were downloaded on April 5, 2021, at 15:15:15 UTC.

24. When Agents logged into CABANAS’s desktop computer, they further observed approximately 47 additional files in a queue waiting to be downloaded on the Frost application (a Freenet client). Because the Agents immediately placed the computer into airplane mode, the downloads were paused and the Agents were unable to view these additional files in order to determine whether they depict child pornography.

CONCLUSION

25. Based upon the information above, I respectfully submit that there is probable cause to believe that MANUEL CABANAS, date of birth August XX, 1959, did receive and attempt to receive visual depictions of minors engaging in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a), as more fully set forth in Attachment A.

26. Therefore, I respectfully request that the attached arrest warrant be issued authorizing the arrest of MANUEL CABANAS.

Respectfully submitted,

s/ Joshua Conrad
Joshua Conrad
Special Agent, Homeland Security Investigations

Sworn and subscribed
Before me this 6th
day of April, 2021.

s/ Mitchell S. Goldberg
HONORABLE MITCHELL S. GOLDBERG
United States District Judge

ATTACHMENT A

Count One – Receipt of Child Pornography – 18 U.S.C. § 2252(a)(2), (b)(1)

On or about September 3, 2020, in Pottstown, Montgomery County, Pennsylvania, in the Eastern District of Pennsylvania, defendant MANUEL CABANAS knowingly received visual depictions using any means and facility of interstate and foreign commerce, and that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, the producing of which involved the use of minors engaged in sexually explicit conduct, and the visual depictions were of such conduct.